

[DO NOT PUBLISH]

IN THE UNITED STATES COURT OF APPEALS

FOR THE ELEVENTH CIRCUIT

---

No. 06-11527  
Non-Argument Calendar

---

FILED U.S. COURT OF APPEALS ELEVENTH CIRCUIT SEPT 06, 2006 THOMAS K. KAHN CLERK
--

D. C. Docket No. 05-00362-CR-T-24EAJ

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

JERRY LOUIS HYNDIS-MATUTE,

Defendant-Appellant.

---

Appeal from the United States District Court  
for the Middle District of Florida

---

**(September 6, 2006)**

Before DUBINA, BARKETT and HULL, Circuit Judges.

PER CURIAM:

Jerry Louis Hynds-Matute appeals his 135-month sentence for drug

trafficking offenses. Hynds-Matute argues that he should have received a minor-role reduction, pursuant to U.S.S.G. § 3B1.2, and that the district court imposed an unreasonable sentence when it failed to calculate correctly the guidelines imprisonment range by not accounting for a minor-role reduction.

We review the district court's finding concerning the defendant's role in the offense for clear error. *United States v. De Varon*, 175 F.3d 930, 937 (11th Cir. 1999) (en banc). The defendant bears the burden of proving that he played a minor role by a preponderance of the evidence. *United States v. Boyd*, 291 F.3d 1274, 1277 (11th Cir. 2002). We cannot conclude on this record that the district court clearly erred in declining to apply a minor-role reduction.

We also review a defendant's ultimate sentence for reasonableness in light of the 18 U.S.C. § 3553(a) factors. See *United States v. Winingear*, 422 F.3d 1241, 1246 (11th Cir. 2005). The burden of proving that the sentence is unreasonable in light of the record and these factors rests on the challenger. *United States v. Talley*, 431 F.3d 784, 788 (11th Cir. 2005).

To impose a reasonable sentence, the district court must correctly calculate the guidelines imprisonment range and then consider the factors set forth in § 3553(a). *United States v. Talley*, 431 F.3d 784, 786 (11th Cir. 2005). Hynds-Matute's only argument of unreasonableness is based on the district court's refusal

to grant him a minor-role reduction. As noted above, this refusal was not clearly erroneous. Furthermore, the district court correctly calculated the guidelines imprisonment range and sentenced Hynds-Matute at the bottom of the range, explicitly acknowledging that it had considered the §3553(a) factors before imposing its sentence. Therefore, Hynds-Matute has failed to prove that his sentence was unreasonable.

**AFFIRMED.**